

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

FIRST MIDWEST BANK, an Illinois banking corporation,)	
)	
)	
Plaintiff,)	
)	No. 18-cv-05872
-vs-)	
)	Hon. Ronald A. Guzman
RMG SPORTS GROUP LLC, a Florida limited liability company, ROBERT M. GARBER, an individual,)	
)	Hon. Jeffrey Cummings
)	
Defendants.)	

INITIAL JOINT STATUS REPORT

The parties, by and through their undersigned attorneys, pursuant to Magistrate Judge Jeffrey Cummings' Standing Order for Initial Joint Status Report and the Minute entry on Monday, March 11, 2019 (ECF No. 25), file this, their Initial Joint Status Report.

REFERRAL CASE:

- 1) **A brief summary of the claims asserted in the complaint and any counterclaim or third-party complaint.**

First Midwest Bank filed a four-count complaint (the "Complaint") against RMG Sports Group LLC and Robert M. Garber (collectively, the "Defendants").

Count I of the Complaint asserts a claim for breach of contract based on RMG Sports Group LLC's alleged defaults under the Notes, Security Agreement, and other Loan Documents.

Count II of the Complaint seeks to foreclose First Midwest Bank's security interests in the Collateral, as that term is defined in paragraph 13 of the Complaint.

Count III of the Complaint asserts a claim for breach of contract based on Robert M. Garber's alleged breach of his Guaranty of First Midwest Bank's loans to RMG Sports Group LLC.

Count IV of the Complaint asserts a claim for fraud against Robert M. Garber based on his alleged omissions and misrepresentations to First Midwest Bank.

There are no counterclaims or third-party complaints.

2) A brief statement of the relief sought, including an itemization of damages.

First Midwest seeks entry of a judgment in its favor and against the Defendants, jointly and severally, on all Counts of the Complaint in the amount of \$1,216,455.76, plus pre-judgment and post-judgment interest at the statutory rates, plus costs, including, but not limited to attorneys' fees and expenses, and such other and further relief as the Court deems just and necessary.

3) A brief description of the matter referred to the magistrate judge or alternatively, attach a copy of the referral order.

A copy of the referral order (ECF No. 17), referring this case to the calendar of Magistrate Judge Mason for the purpose of holding proceedings related to: All discovery supervision and all discovery motions including protective orders without authority to extend discovery deadlines, is attached hereto as Exhibit A.

A copy of General Order 19-0005 (ECF No. 23), which transferred civil referral cases pending before Magistrate Judge Mason to Magistrate Judge Cummings, is attached hereto as Exhibit B.

4) The status of any briefing on the matters referred.

There are no pending motions.

5) If the case has been referred for discovery matters, a description of the discovery that has been completed and the future discovery contemplated, including identifying: (a) the depositions that have been taken; (b) the depositions that have been scheduled and the dates set; and (c) any other discovery contemplated.

The parties exchanged disclosures required under Rule 26(a)(1). First Midwest Bank served the Defendants with requests for the production of documents and interrogatories. The Defendants served First Midwest Bank with requests for documents. First Midwest Bank also issued third-party subpoenas to:

- i. American Express;
- ii. Applied Bank;
- iii. BB&T;
- iv. Capital One Venture Card;
- v. Discovery Card;
- vi. Infiniti Credit Card;
- vii. Ocean Bank;
- viii. TD Bank;
- ix. Wells Fargo Card Services;
- x. Robert A. Garber.

The depositions of Robert M. Garber and Robert A. Garber are scheduled for March 21, 2019.

The depositions of Christopher Burdeau of Quinn & Company and Kathy Vellios of Vellios Accounting are scheduled for March 25, 2019.

The parties anticipate the need for expert discovery.

- 6) Any dates or deadlines established by the district judge for discovery cut-off, submission of pretrial order or trial. If none have been set, a proposed fact discovery cut-off date and whether or not the parties anticipate the need for an expert discovery schedule, which will be set at a later date.**

Judge Guzman ordered All Discovery closed by 7/31/2019. No Extensions.

Pursuant to their Joint Discovery Plan and Joint Conference Report (ECF No. 15), the parties agreed to conduct discovery in the following sequential phases and related to the following issues:

- i. Completion of written discovery by February 1, 2019;
- ii. Completion of fact depositions by April 2, 2019;
- iii. Completion of expert discovery by May 31, 2019.

7) Status of Settlement Negotiations:

The parties have been engaged in informal settlement discussions and agree to continue to explore the possibility of settlement in good faith.

RESPECTFULLY SUBMITTED this 21st day of March 2019.

/s/ Matthew J. Stockl
Michael J. Small (ARDC No. 6207645)
Matthew J. Stockl (ARDC No. 6304087)
FOLEY & LARDNER LLP
321 North Clark Street, Suite 2800
Chicago, Illinois 60654-5313
(312) 832-4500
(312) 832-4700 (Facsimile)
msmall@foley.com
mstockl@foley.com

COUNSEL FOR FIRST MIDWEST BANK

/s/ Paul M. Bauch
Paul M. Bauch
Carolina Y. Sales
Kenneth A. Michaels , Jr.
BAUCH & MICHAELS, LLC
53 W. Jackson Blvd., Suite 1115
Chicago, IL 60604
(312) 588-5000
pbauch@bauch-michaels.com
csales@bauch-michaels.com
kmichaels@bauch-michaels.com

COUNSEL FOR RMG SPORTS GROUP, LLC AND
ROBERT M. GARBER

Exhibit A

Referral Order

**UNITED STATES DISTRICT COURT
FOR THE Northern District of Illinois – CM/ECF LIVE, Ver 6.2.2
Eastern Division**

First Midwest Bank

Plaintiff,

v.

Case No.: 1:18-cv-05872
Honorable Ronald A. Guzman

RMG Sports Group LLC, et al.

Defendant.

**ORDER REFERRING A CIVIL CASE TO THE
DESIGNATED MAGISTRATE JUDGE**

Pursuant to Local Rule 72.1, this case is hereby referred to the calendar of Honorable Michael T. Mason for the purpose of holding proceedings related to: All discovery supervision and all discovery motions including protective orders without authority to extend discovery deadlines. (is,) Mailed notice.

Dated: October 24, 2018

/s/ Ronald A. Guzman

United States District Judge

Exhibit B

General Order 19-0005

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

GENERAL ORDER 19-0005

It appearing that Jeffrey I. Cummings has entered on duty as a Magistrate Judge for the Northern District of Illinois, with a duty station in Chicago, Illinois, effective February 1, 2019; therefore

It is hereby ordered pursuant to Local Rule 72.1 that Magistrate Judge Cummings is to become the designated magistrate judge in any pending civil or criminal cases where Magistrate Judge Michael T. Mason was the designated magistrate judge as of January 31, 2019; and

It is further ordered that the attached list of civil referral cases pending before Magistrate Judge Mason are hereby transferred to Magistrate Judge Cummings; and

It is further ordered pursuant to Internal Operating Procedure 17, the attached list of civil cases where the parties previously consented to proceed before Magistrate Judge Mason are hereby reassigned to Magistrate Judge Cummings; and

It is further ordered that, unless otherwise ordered by Magistrate Judge Cummings, all hearing dates, deadlines, and schedules set by Magistrate Judge Mason in the attached list of cases are to remain in effect.

**ENTER:
FOR THE EXECUTIVE COMMITTEE**



Hon. Rubén Castillo, Chief Judge

Dated at Chicago, Illinois this 1st day of February, 2019

Civil Consent Cases to be Reassigned to Magistrate Judge Jeffrey I. Cummings

<u>Case Number</u>	<u>Case Title</u>
1:12-cv-08165	Williams v. Wexford Health Sources Inc et al
1:15-cv-07797	Friendship Village of Mill Creek v. Lend Lease (US) Construction, Inc.
1:16-cv-05151	Villa et al v. The United States of America
1:16-cv-07015	Dineen v. Oliver et al
1:17-cv-04559	Hansen v. Berryhill
1:17-cv-04850	Wells v. Berryhill
1:17-cv-06552	Fondriest v. Berryhill
1:17-cv-06597	Kakoczki v. Berryhill
1:17-cv-06669	Marshall v. Berryhill
1:17-cv-07537	Lee v. Berryhill
1:17-cv-07900	McCary v. Berryhill
1:17-cv-08348	Stansberry v. Cook County Sheriff Jail et al
1:17-cv-08536	Wasieleski v. Berryhill
1:17-cv-08607	Gonzalez v. Colvin
1:17-cv-08732	The Prudential Insurance Company Of America v. Newman et al
1:17-cv-09113	Bell v. Social Security Administration
1:18-cv-00236	Buschman v. Berryhill
1:18-cv-01074	Cotton v. City of Harvey et al
1:18-cv-01533	DoAll Company v. Air Industries Mach
1:18-cv-02019	Kallenborn v. Berryhill
1:18-cv-02098	Alar v. Berryhill
1:18-cv-02926	Matthews v. Berryhill
1:18-cv-03046	Jensen v. Berryhill
1:18-cv-03415	Keener v. Berryhill
1:18-cv-03711	Robinson et al v. Berryhill
1:18-cv-03806	Moody v. Berryhill
1:18-cv-03952	Grigsby v. Berryhill
1:18-cv-04282	Jackson National Life Insurance Company v. Kelly et al
1:18-cv-04531	Romes v. Berryhill
1:18-cv-04759	Taff v. Berryhill
1:18-cv-04904	Lopez v. Berryhill
1:18-cv-05457	Johnson v. Berryhill
1:18-cv-05602	Colic v. Berryhill
1:18-cv-05891	Bryant v. Berryhill
1:18-cv-06095	Schunke v. Commissioner of Social Security
1:18-cv-06377	Cole v. Traylor et al
1:18-cv-06414	Eckles v. Berryhill
1:18-cv-06553	Williams v. Berryhill
1:18-cv-06949	Marcordes v. Berryhill
1:18-cv-07326	Cross v. Berryhill
3:18-cv-50136	Robinson v. Berryhill

Civil Referral Cases to be Transferred to Magistrate Judge Jeffrey I. Cummings

<u>Case Number</u>	<u>Case Title</u>	<u>District Judge</u>
1:13-cv-07998	Hespe v. City Of Chicago et al	Alonso
1:13-cv-09328	Donado v. Randle et al	Gettleman
1:14-cv-02556	Ramos et al. v. Drews et al	Dow
1:14-cv-08708	Van et al. v. Ford Motor Company	Dow
1:15-cv-09518	UIRC-GSA Holdings, LLC v. Rainier GSA Portfolio I, LLC	Gettleman
1:15-cv-10463	B. et al v. Norwood	Kocoras
1:15-cv-11192	Trahanas v. Northwestern University et al	Tharp
1:16-cv-03096	Gentleman v. Massachusetts Higher Education Assistance Corporation et al	Coleman
1:16-cv-03371	Sonrai Systems, LLC et al v. Anthony M. Romano et al	Durkin
1:16-cv-05999	Scheidt v. Floor Covering Associates, Inc.	Dow
1:16-cv-07319	Garrit et al v. City of Chicago et al	Gettleman
1:16-cv-09417	Maxson v. Dwyer et al	Gettleman
1:16-cv-10017	Foster v. Kononov et al	Tharp
1:16-cv-10495	Blue Book Services, Inc. v. Amerihua Produce Inc.	Chang
1:17-cv-00040	Mercado v. Dart et al	Wood
1:17-cv-00212	Frison v. Obassi et al	Gettleman
1:17-cv-00461	Leflore v. Aurora Police Dept. et al	Dow
1:17-cv-00891	Laborers' Pension Fund et al v. GA Paving, LLC et al	Dow
1:17-cv-02027	Moran v. Calumet City et al	Gettleman
1:17-cv-02440	Hormoz v. 1-800-Pack-Rat, LLC	Gettleman
1:17-cv-02800	Raymond Willoughby et al v. Village of Fox Lake et al	Guzman
1:17-cv-04023	Curtis Turner et al v. The American Bottling Company et al	Feinerman
1:17-cv-04180	PSB Partners, LLC v. F. Kenneth Bailey, Jr., P.C. et al	Lee
1:17-cv-04423	Miles v. American Honda Motor Co., Inc.	Gettleman
1:17-cv-05454	Campbell v. Illinois Depart. of Correction et al	Durkin
1:17-cv-05926	Berthold, L.L.C. et al v. Reinsurance Group of America, Inc.	Durkin
1:17-cv-06598	Gavin v. Commander Cincarulo et al	Blakey
1:17-cv-06819	Melgoza v. Rush University Medical Center	Feinerman
1:17-cv-07087	Flax v. Artl et al	Feinerman
1:17-cv-07179	Postle v. Allstate Insurance Company	Alonso
1:17-cv-07376	Greene v. Bellwood School District 88 et al	Alonso
1:17-cv-07910	Contreras v. Delitz et al	Durkin
1:17-cv-07943	Beers vs. Gree USA, Inc. et al	Alonso
1:17-cv-08040	Central States, Southeast and Southwest Areas Health and Welfare Fund et al v. Edgewater Systems for Balanced Living, Inc.	Gottschall
1:17-cv-08232	Turf Nation, Inc. v. Vrankin	Gettleman
1:17-cv-08381	Epic Fresh Produce, LLC v. Olympic Wholesale Produce, Inc., et al.	Dow
1:17-cv-08518	Jaroch v. Florida Fruit Juices, Inc. et al	Kendall

1:17-cv-08714	Gudkovich v. Mayor Office for People with Disabilities et al	Durkin
1:18-cv-00092	Brown-Lewis v. Laboratory Corporation of America	Aspen
1:18-cv-00399	Turpial Enterprises v. Pro Star Freight Systems Inc	Durkin
1:18-cv-01234	Peck et al v. olympia construction group, Inc., an Illinois corporation et al	Gettleman
1:18-cv-02886	Olympia Construction Group, Inc. v. Peck	
1:18-cv-01526	Molinari v. Financial Asset Management Systems, Inc.	Ellis
1:18-cv-02186	Reed-McLaren v. Fay Servicing, LLC	Feinerman
1:18-cv-02560	Bazer v. Brew Dr. Kombucha, LLC	Alonso
1:18-cv-02951	Acevedo v. Staffing Network, LLC	Wood
1:18-cv-03018	Global Development Management, Ltd. v. Forman Realty Corporation	Gettleman
1:18-cv-03202	Alexander et al v. Great American Foods, Inc. et al.	Coleman
1:18-cv-03392	Emalfarb v. Fasseas	Guzman
1:18-cv-03861	Shorter v. Board of Trustee of Community College District #508	Tharp
1:18-cv-03979	Berger v. Walmart	Lee
1:18-cv-04474	Murphy v. City of Markham	Wood
1:18-cv-04613	Rongey v. Anselmo Lindberg & Associates LLC	Alonso
1:18-cv-04767	Prebe v. Northern Illinois Clinical Laboratory Ltd.	Guzman
1:18-cv-04886	Reihart v. Village of Hanover Park, Illinois	Alonso
1:18-cv-04974	Dawood v. AT&T (Illinois Bell)	Ellis
1:18-cv-05232	Perez v. Martinez et al	Bucklo
1:18-cv-06599	Jones v. Chicago Housing Authority et al	Lee
1:18-cv-06669	Hyer Standards LLC v. Super G Capital LLC et al	Kocoras
1:18-cv-07702	Popovich v. Dart Container Corporation of Illinois	Bucklo
1:18-cv-02886	Olympia Construction Group, Inc. v. Peck	Gettleman
1:18-cv-03018	Global Development Management, Ltd. v. Forman	Gettleman
1:18-cv-03202	Alexander et al v. Great American Foods, Inc. et al.	Coleman
1:18-cv-03392	Emalfarb v. Fasseas	Guzman
1:18-cv-03861	Shorter v. Board of Trustee of Community College District #508	Tharp
1:18-cv-04184	Bernadi v. Platinum Restaurant LLC	Tharp
1:18-cv-04613	Rongey v. Anselmo Lindberg & Associates LLC	Alonso
1:18-cv-04767	Prebe v. Northern Illinois Clinical Laboratory Ltd.	Guzman
1:18-cv-04886	Reihart v. Village of Hanover Park, Illinois	Alonso
1:18-cv-04974	Dawood v. AT&T (Illinois Bell)	Ellis
1:18-cv-05118	Cuellar et al v. City Of Oak Forest et al	Tharp
1:18-cv-05467	Robinson v. Menard, Inc.	Coleman
1:18-cv-05553	Bradley v. Williamson	Bucklo
1:18-cv-05556	Granat v. Readerlink Distribution Services, LLC.	Coleman
1:18-cv-05633	Rice v. Zoll Medical Corporation et al	Coleman
1:18-cv-05840	Schmitt v. Adlai E. Stevenson High School District 125	Alonso
1:18-cv-05872	First Midwest Bank v. RMG Sports Group LLC et al	Guzman

1:18-cv-05946	Johnson et al v. City of Yorkville et al	Alonso
1:18-cv-05982	Automobile Mechanics' Local No. 701 Union and Industry Pension Fund et al v. Daimler Trucks North America, LLC	Alonso
1:18-cv-06007	Meridian Laboratories Inc v. OncoGenerix USA, Inc	Alonso
1:18-cv-06362	Mysliwiec v. Franklin Collection Service, Inc.	Alonso
1:18-cv-06054	Palmer v. City of Chicago et al	Gettleman
1:18-cv-06116	Chicago Premium Outlets, LLC v. Beretta U.S.A. Corp.	Coleman
1:18-cv-06761	Contreras et al v. National Restorations, Inc. et al	Alonso
1:18-cv-06797	Mitsui Sumitomo Insurance Co., Ltd. v. All Nippon Airways Co., Ltd.	Alonso
1:18-cv-07403	Taylor v. Kilmer et al	Alonso
1:18-cv-07550	De Jesus v. FCC Finance, LLC	Tharp
1:18-cv-07702	Popovich v. Dart Container Corporation of Illinois	Bucklo
1:18-cv-07710	Heaton v. GC Services Limited Partnership	Wood
1:18-cv-08052	Midwest Operating Engineers Welfare Fund et al v. D.C.S. Bucklo Trucking Co.	Bucklo
1:19-cv-0458	Donoff v. Delta Air Lines	Alonso